

§ 64.3 Definitions.

(a) *Key employee.* Any Reservist or any military retiree (Regular or Reserve) identified by his or her employer, private or public, as filling a key position.

(b) *Key position.* A civilian position, public or private (designated by an employer and approved by the Secretary concerned), that cannot be vacated during war, a national emergency, or mobilization without seriously impairing the capability of the parent agency or office to function effectively, while meeting the criteria for designating key positions as outlined in Department of Defense Directive 1200.7.¹

(c) *Military retiree categories*—(1) *Category I.* Non-disability military retirees under age 60 who have been retired fewer than 5 years.

(2) *Category II.* Non-disability military retirees under age 60 who have been retired 5 years or more.

(3) *Category III.* Military retirees, including those retired for disability, other than categories I or II retirees (includes warrant officers and healthcare professionals who retire from active duty after age 60).

(d) *Military retirees or retired military members.* (1) Regular and Reserve officers and enlisted members who retire from the Military Services under 10 U.S.C. Chapters 61, 63, 65, 1223, 367, 571, or 573, and 14 U.S.C. Chapters 11 and 21.

(2) Reserve officers and enlisted members eligible for retirement under one of the provisions of law in § 64.3(d) who have not reached age 60 and who have not elected discharge or are not members of the Ready Reserve or Standby Reserve (including members of the Inactive Standby Reserve).

(3) Members of the Fleet Reserve and Fleet Marine Corps Reserve under 10 U.S.C. 6330.

§ 64.4 Policy.

(a) It is DoD policy that military retirees be ordered to active duty as needed to perform such duties as the Secretary concerned considers necessary in the interests of national defense as described in 10 U.S.C. 12301 and 688.

(b) The DoD Components and the Commandant of the U.S. Coast Guard shall plan to use as many retirees as necessary to meet national security needs.

(c) The military retirees ordered to active duty may be used according to guidance prescribed by the Secretary concerned as follows:

(1) To fill shortages or to augment deployed or deploying units and activities or units in the Continental United States, Alaska, and Hawaii supporting deployed units.

(2) To release other military members for deployment overseas.

(3) Subject to the limitations of 10 U.S.C. 973, Federal civilian workforce shortages in the Department of Defense, the U.S. Coast Guard, or other Government entities.

(4) To meet national security needs in organizations outside the Department of Defense with Defense-related missions, if the detail outside the Department of Defense is approved according to DoD Directive 1000.17.²

(5) To perform other duties that the Secretary concerned considers necessary in the interests of national defense.

(d) Military retirees shall be ordered to active duty with full pay and allowances. They may not be used to fill mobilization billets in a non-pay status.

(e) Military retirees serving on active duty may be reassigned to meet the needs of the Military Service.

§ 64.5 Responsibilities.

(a) The Assistant Secretary of Defense for Reserve Affairs and the Deputy Under Secretary of Defense (Military Personnel Policy) (DUSD(MMP)), under the Under Secretary of Defense for Personnel and Readiness, shall provide policy guidance for the management and mobilization of DoD military retirees.

(b) The Secretaries of the Military Departments and the Commandant of the U.S. Coast Guard shall ensure plans for the management and mobilization of military retirees are consistent with this rule.

(c) The Directors of the Defense Agencies, the Secretary of Homeland

¹Copies may be obtained from <http://www.dtic.mil/whs/directives>.

²See § 64.3(b).